



# **MINUTES OF THE COMMON COUNCIL**

**TUESDAY, OCTOBER 20, 2015, 7:00 P.M.**

**COUNCIL CHAMBERS**

**ROOM 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney James Mueller. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to approve the minutes of the October 6, 2015, meeting. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to approve the agenda. Motion carried.

## **REPORT BY THE MAYOR**

The Mayor announced that the Joint Finance/Personnel Meeting will be on November 3 at 4:30 P.M. The next full Council meeting with adoption of the budget will be on November 10 at 3:00 P.M.

## **PUBLIC HEARING**

Planning Ordinance No. 2-15

An ordinance amending the Official Map of the City to revise the proposed street pattern for an area generally located north of Finger Road, west of Northview Road, south of Catalina Drive, and east of Erie Road.

No one appeared.

Moved by Ald. Scannell, seconded by Ald. Moore to suspend the rules for the purpose of adopting the ordinance. Motion carried.

## **RE-APPOINTMENTS**

### **Historic Preservation Commission**

**Roger Retzlaff**, Term to expire: August 1, 2018.

### **Sex Offender Residency Board**

**Ben Heiman**, Term to expire: May 1, 2020.

### **Board of Review**

**Jay Hamann**, Term to expire: July 1, 2020.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to confirm the re-appointments. Motion carried.

## **PRESENTATION**

The Mayor gave a PowerPoint Presentation of his 2016 Budget proposals.

## **PETITIONS & COMMUNICATIONS**

### **COMMITTEE OF THE WHOLE**

Request by Ald. Scannell to meet as a Committee of the Whole to amend Section 1.90(8)(b) of the Code to allow the Ethics Board to hear complaints pertaining to the Code of Conduct for Elected Officials.

### **HISTORIC PRESERVATION COMMISSION**

Request by Ald. Moore to review residential properties abutting Webster Avenue on the east from Radisson Street south to University Avenue, for possible historical significance and report to the Neighborhood Division and Council.

## IMPROVEMENT & SERVICE COMMITTEE

Application for a Tree & Brush Trimmer License by J & D Services.

Request by Ald. Tim DeWane to consider a re-use day, four times a year, where people can put items, such as windows, metal doors, cabinets, etc., out to the curb for pick up.

Request by Ald. Nicholson for a street light at 2470 VanBeek Road.

## LEGAL DEPARTMENT

Request by Ald. Moore to engage Bellevue in discussions of a possible merger of the Fire Departments.

## MAYOR & LAW DEPARTMENT

Request by Ald. Nennig that the Law Department draft a policy regarding citizen petitions and communications to the Common Council, and that the Mayor schedule a Committee of the Whole at the next Council meeting to take action on this issue.

## PLAN COMMISSION

Request by Ald. Wery for the following:

1. Amend the Comprehensive Plan to create a "Stadium Entertainment District" bordered by Ashland Avenue, Lombardi Avenue, Holmgren Way and the border with Ashwaubenon.
2. Create "Overlay Zoning" for the "Stadium Entertainment District" to specifically exclude Adult Entertainment Establishments.

## PROTECTION & WELFARE COMMITTEE

Application for a "Class A" Cider License by Speedway, LLC at 1688 E. Mason Street.

Request by Ald. Zima to allow licensed junk pickers to remove items from the City's household waste dump sites in order to reduce landfill costs.

Appeal by Marvin Keys to the denial of his Public Vehicle Operator License application.

Request by Ald. Wery to review, with possible action, the liquor license and adult entertainment license of the Oval Office due to off-site potential illegal activity on October 18, 2015.

## TRAFFIC COMMISSION

Request by Ald. Moore for the following:

1. To review traffic calming options on East Shore Drive, with possible action.
2. To review the possibility of installing well-defined bike or sharrow lanes on East Shore Drive.

Request by Ald. Wiezbiskie to provide a crosswalk at Nicolet Drive Trail going into park area/parking by Lambeau Cottage at UW-GB.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

## REPORTS FOR COUNCIL ACTION

### **REPORT OF THE GREEN BAY PLAN COMMISSION October 20, 2015**

The Green Bay Plan Commission, having met on Monday, October 12, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To hold over the request to rezone a portion of land in the 1200 Block of South Webster Avenue from Low Density Residential (R1) to Varied Density Residential (R3), for two weeks.
2. To approve a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Highway Commercial (C2) District located at 2300 Auto Plaza Way, subject to the standard site plan review and approval.
3. To approve a Conditional Use Permit (CUP) for an expansion of the Brown County Southwest Branch Library and current library use in a Low Density Residential (R1) District located at 974 9<sup>th</sup> Street, subject to the standard site plan review and approval.
4. To approve a Conditional Use Permit (CUP) for an Assisted Living Facility located at 421 Erie Road, subject to standard site plan and building plan review and approval, along with the following condition:
  - A. An Expansion on Community Living Arrangement or Assisted Living uses will require an amendment to this Conditional Use Permit.
5. To declare city property located along Bellevue Street as "city surplus".
6. To approve the 2016 Downtown Green Bay Business Improvement District Operating Plan.

7. To approve the 2016 Olde Main Street Business Improvement District Operating Plan.
8. To approve the 2016 On Broadway Business Improvement District Operating Plan.
9. To approve the 2016 Military Avenue Business Improvement District Operating Plan.
10. Information was provided to the Commission regarding the progress of the 2014 Business Improvement District work plans.

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to adopt the report. Motion carried.

## **REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY October 20, 2015**

The Green Bay Redevelopment Authority, having met on Tuesday, October 13, 2015, considered all matters on its agenda and wishes to report and recommend the following:

### **INFORMATIONAL ITEMS:**

1. To use \$15,000 of Neighborhood Enhancement funds to reimburse CDBG funds for the assessed value of 1141 Chicago Street.
2. To use \$20,000 of Neighborhood Enhancement funds and to deed 1141 Chicago Street to Chad and Andrea Longley under the New Homes In Your Neighborhood Program for construction of a new single family home.
3. To use \$20,000 of Neighborhood Enhancement funds and to deed 327 S. Quincy Street to Integrity Home Builders under the New Homes In Your Neighborhood Program for construction of a new single family home.
4. To purchase 719 N. Broadway for \$20,000.00; 1728 Carriage Court for \$20,989.20; 828 Lark Street for \$10,444.00; and 1343 E. Walnut Street for \$8,699.18, using Neighborhood Enhancement Funds.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

## **REPORT OF THE FINANCE COMMITTEE OCTOBER 20, 2015**

The Finance Committee having met on Thursday, October 15, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to staff for cost determination the request by Ald. Steuer to consider a half-time Historic Preservation planning position in the 2016 budget.
2. To hold the request by Ald. Wery to begin discussions and take public input on how to utilize the approximately \$5.4 million dollars being rebated from excess Stadium tax revenue until State passes the final bill.
3. To approve the report of the Claims Committee submitted by the City Attorney's office.

2015 Contingency Fund  
\$92,220

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the report. Motion carried.

### **REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE October 20, 2015**

The Improvement and Service Committee, having met on October 14, 2015 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Ald. Danzinger on behalf of Brian Shelley, 1617 Arnold Drive, for six (6) additional on-street parking exemptions for 2015, and applicant shall reapply for any needed additional exemptions in 2016.
2. To approve the request by owners of the Quinn and Platten buildings to allow placement dumpsters in a fenced enclosure within city owned property known as parking lot f contingent upon obtaining all necessary approvals, executing a hold harmless agreement, placing on file with the city applicable insurance and authorizing the mayor and city clerk to execute the agreement.
3. To approve the application for a concrete sidewalk builder's license by Blaser Construction.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report. Motion carried.

### **REPORT OF THE PERSONNEL COMMITTEE October 20, 2015**

The Personnel Committee, having met on Thursday, October 15, 2015 considered all matters on its agenda and reports and recommends the following:

1. To award a contract to conduct a Dependent Eligibility Audit to BMI Audit Services for \$18,600 and to have staff provide recommendations for appropriate disciplinary actions based on the audit findings.
2. To recommend continuing to fund the compliance inspector position as it has historically been funded, 50% from the department budget and 50% from CDBG funding.
3. To place the Green Bay Police Department traffic report on the agenda for the first meeting of the Personnel Committee in December.
4. To receive and place on file the report on Automated Sanitation and Worker Compensation cost reduction.
5. To receive and place on file the report on the Employee Safety Recognition Program.
6. To receive and place on file the report of Routine Personnel Actions for regular employees.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #1. Motion carried.

## **PROTECTION & WELFARE COMMITTEE REPORT**

### **October 20, 2015**

The Protection & Welfare Committee, having met on Monday, October 12, 2015, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the request from the Green Bay Police and Fire Departments to amend Green Bay Municipal Code 27.501(4) relating to the application and procedure for alarm user permits and to report back in six months as to the efficiency of the changes.
2. To refer to the Green Bay Animal Control Officer the request by Ald. Nicholson to review, with possible action, the Animal Control Policy that deals with trapping animals in the City of Green Bay.
3. To approve the request by Ald. Steuer on behalf of Amanda Patterson, to amend her license to include serving alcohol on the City right-of-way in front of Café Madrid, 154 N. Broadway.

4. To deny the notice of the change of agent for Apple Hospitality Group, LLC at 2420 East Mason Street (referred back from the October 6, 2015 Common Council Meeting).
5. To deny the appeal by Todd Dane to the denial of his Operator License application.
6. To deny the appeal by Jerry Lochman to a chronic nuisance charge at 516 Baird Creek Road.)

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Items #3 and #6. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #3.

Moved by Ald. Wery, seconded by Ald. Thomas DeWane to refer Item #3 back to the Protection & Welfare Committee. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #6.

Moved by Ald. Moore, seconded by Ald. Scannell to suspend the rules to allow interested parties to speak. Motion carried.

No one appeared.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to return to the regular order of business. Motion carried.

Moved by Ald. Zima, seconded by Ald. Tim DeWane to hold Item #6 and to send a letter to Mr. Lochman stating that this matter will be heard at the Common Council meeting on November 10. Motion carried with Ald. Moore abstaining.

## **REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES**

**October 20, 2015**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

### **OPERATOR LICENSES**

Bartol, Todd C

Bartram, Dana J

Bell, Christopher A

Brozek, Rachel R

Dettloff, Chad A

Dexter, Jaclyn R

Diederich, Jenna L

Dotson, Stephanie L

Drage, Aurore C

Olson, Raelene E

Piantek, Emily A

Ploor, Ivy J

Rankel, Brittney M

Rentmeester, Carrie B

Rodriguez-Villalobos, Maria

Rombaugh, Jill D

Schilling, Carmen K

Schmitt, Wanda J



Frank, Trenie L  
Gagnon, Luke  
Gokey, Tara L  
Gonzalez Martinez, Kimberly  
Grassman, Nicole A  
Hall, Kaylin R  
Hannon, Gale A  
Heer, Brady JP  
Hinkfuss, Jayce J  
Johnson, Melissa A  
Johnson, Tabettha P  
Kapitzke, Thomas H  
Kaplan, Brad E  
Klinesmith, Jack L  
Knutson, Dennis J  
Kraft, Alexander J  
Kraucunas, Kimberly A  
Lee-Tomasoski, Amie L  
Luckeroth, Ahnna L  
Martin, Jessica D  
McKeefry, Andrew J  
Newhouse, Mary J

Schreiber, Stormy S  
Skaletski, Brehanna M  
Smits, Stephanie A  
Steiner, Kayla L  
Velleman, Emily L  
Verhagen, Stacy L  
Weitzel III, George D

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Aurore C. Drage, Tara L. Gokey, Jessica D. Martin and Brehanna M. Skaletski.

### **RECEIVE & PLACE ON FILE**

Report of Municipal Court for September, 2015.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to receive the report and place it on file. Motion carried.

### **RESOLUTIONS**

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of adopting Resolutions 9 through 16 with one roll call vote. Motion carried.

### **FINAL PAYMENTS RESOLUTION OCTOBER 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

**1. SEWERS 3-14**

**Dorner, Inc.**

TOTAL AMOUNT EARNED:	\$ 169,127.25
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 169,127.25
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 164,899.07</u>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 4,228.18</b>

**ACCOUNT NUMBERS**

**412500E-55355-63054: \$4,228.18**

**PO #105688**

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING THE  
EXCHANGE OF PROPERTY BETWEEN  
THE CITY OF GREEN BAY AND  
GRAND CENTRAL LLC  
(SP 15-02)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, at the request of the Department of Public Works, a portion of excess right-of-way at 502 and 508 Bellevue Street (as depicted on Exhibit A) has been declared surplus; and

WHEREAS, there is insufficient right-of-way along Bellevue Street at 1593 East Mason Street to meet the City's sidewalk standards (as depicted on Exhibit B); and

WHEREAS, the Department of Public Works has requested an exchange of property to rectify the right-of-way deficiency.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Green Bay authorizes the exchange of the property shown on Exhibit A from the City to Grand Central LLC and the property shown on Exhibit B from Grand Center LLC to the City.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign all necessary documents.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING  
HOLD HARMLESS AGREEMENT  
QUINN AND PLATTEN BUILDINGS  
TO ALLOW PLACEMENT OF DUMPSTERS IN LOT F  
October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by owners of the Quinn and Platten Buildings to allow placement dumpsters in a fenced enclosure within City owned property known as Parking Lot F contingent upon obtaining all necessary approvals, executing a Hold Harmless Agreement, placing on file with the City applicable insurance and authorizing the Mayor and City Clerk to execute the agreement.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ACCEPTING DEDICATION  
OF RIGHT-OF-WAY AND PUBLIC IMPROVEMENTS  
IN KRISTY LEE ESTATES SUBDIVISION**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

WHEREAS, the Common Council on March 31, 2014 approved the request of Blue Viper, LLC to enter into a Developer's Agreement with the City of Green Bay for the purpose of constructing sewer, water and street improvements for Kristy Lee Estates Subdivision;

WHEREAS, said Agreement was made by both parties on the April 16, 2014;

WHEREAS, said Agreement requires Blue Viper, LLC, upon completion of the sewer, water and street improvements, to unconditionally, and without charge to the City of Green Bay, give, grant, convey and fully dedicate the same with the exception of sanitary and storm sewer laterals and water laterals lying outside of dedicated right-of-

way, to the City of Green Bay, its successors and assigns forever, free and clear of all encumbrances whatever; together with (without limitation because of enumeration) all land, structures, mains, conduits, pipes, lines, and appurtenances, together with any and all necessary easements for access thereto;

WHEREAS, Blue Viper, LLC has met all of the terms of the agreement, as determined by the Director of Public Works, and has requested that the City of Green Bay accept dedication of the improvements;

WHEREAS, the Director of Public Works has reported on and recommends the acceptance and dedication of the following streets, sanitary sewer, storm sewer, and water main and laterals:

Kristy Lee Court – Sitka Street to Cul-de-sac South

NOW THEREFORE, BE IT RESOLVED, that the above streets including sanitary sewer, storm sewer and water improvements be and are hereby accepted by the City of Green Bay.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ADOPTING THE  
2016 OPERATING PLAN FOR  
THE DOWNTOWN GREEN BAY, INC.,  
BUSINESS IMPROVEMENT DISTRICT  
(PP 15-04)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to the recommendation of the Green Bay Plan Commission at its meeting of October 12, 2015, the 2016 Operating Plan for the Downtown Green Bay, Inc., Business Improvement District, a copy of which is on file in the Clerk's Office, is hereby adopted.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ADOPTING THE  
2016 OPERATING PLAN FOR  
THE MILITARY AVENUE BUSINESS ASSOCIATION  
BUSINESS IMPROVEMENT DISTRICT  
(PP 15-03)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to the recommendation of the Green Bay Plan Commission at its meeting of October 12, 2015, the 2016 Operating Plan for the Military Avenue Business

Association, Business Improvement District, a copy of which is on file in the Clerk's Office, is hereby adopted.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ADOPTING THE  
2016 OPERATING PLAN FOR  
THE OLDE MAIN STREET, INC.,  
BUSINESS IMPROVEMENT DISTRICT  
(PP 15-05)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to the recommendation of the Green Bay Plan Commission at its meeting of October 12, 2015, the 2016 Operating Plan for the Olde Main Street, Inc., Business Improvement District, a copy of which is on file in the Clerk's Office, is hereby adopted.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ADOPTING THE  
2016 OPERATING PLAN FOR  
THE ON BROADWAY  
BUSINESS IMPROVEMENT DISTRICT  
(PP 15-06)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to the recommendation of the Green Bay Plan Commission at its meeting of October 12, 2015, the 2016 Operating Plan for the On Broadway Business Improvement District, a copy of which is on file in the Clerk's Office, is hereby adopted.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk



Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

## **RESOLUTION SUPPORTING AND RECOMMENDING THE USE OF PHOTO RADAR SPEED DETECTION**

October 20, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, § 349.02(3), Wis. Stats., precludes state and local authorities from using a photo radar speed detection to determine compliance with any speed restriction; and

WHEREAS, the Common Council believes that photo radar speed detection can assist local authorities in regulating and enforcing speed restrictions; and

WHEREAS, the Common Council believes that photo radar speed detection will deter motorists from exceeding speed restrictions which will help create safer roadways for motorists and pedestrians; and

WHEREAS, the Common Council believes that it is in the best interest of the residents of Green Bay and the residents of the State of Wisconsin to repeal or amend § 349.02(3), Wis. Stats., to allow state and local authorities to use photo radar speed detection to enforce speed restrictions.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby recommends that the Wisconsin Legislature amend or appeal § 349.02(3), Wis. Stats., to allow municipalities to use photo radar speed detection to determine compliance with any speed restriction.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.  
Moved by Ald. Tim DeWane, seconded by Ald. Moore to receive the resolution and place it on file.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the remaining resolutions with one roll call vote. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 421 ERIE ROAD  
(ZP 15-21)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-21 and the recommendation of the Plan Commission on October 12, 2015, the City of Green Bay does authorize a conditional-use permit for an assisted living facility located on the following described property at 421 Erie Road:

All of Lot 1 of Volume 38, Certified Survey Maps, page 105 (Doc #1658646-Map #5801) and part of vacated Greenbrier Road, recorded in Doc #2265207 and Doc #2267991, Brown County Records, being part of the Southwest ¼ of the Southeast ¼, Section 10, T23N-R21E, City of Green Bay, Brown County, Wisconsin [Tax Parcel Numbers: 21-10 and 21-16-1-5 (new lot has received preliminary approval for a 1-lot CSM, addressed 421 Erie Road)]

Said conditional-use permit shall be granted subject to the following conditions:

1. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional-use permit, including standard site plan and building plan review and approval.
2. Expansion of community living arrangement or assisted living uses will require an amendment to this conditional-use permit.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske\_  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 974 NINTH STREET  
(ZP 15-20)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-20 and the recommendation of the Plan Commission on October 12, 2015, the City of Green Bay does authorize a conditional-use permit for expansion of the Southwest Branch of the Brown County Library located on the following described property at 974 Ninth Street:

J J NELSEN'S SUBD #1 OF LOT 40 OF TANKS SUBD OF PC  
2-9, LOT 10 BLK 2 (Tax Parcel Number 1-47)

J J NELSEN'S SUBD #1 OF LOT 40 OF TANKS SUBD OF PC  
2-9, LOT 11 BLK 2 (Tax Parcel Number 1-48)

J J NELSEN'S SUBD #1 OF LOT 40 OF TANKS SUBD OF PC  
2-9, LOT 12 BLK 2 (Tax Parcel Number 1-49)

Said conditional-use permit shall be granted subject to standard site plan review and approval.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 2300 AUTO PLAZA WAY  
(ZP 15-19)**

**October 20, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-19 and the recommendation of the Plan Commission on October 12, 2015, the City of Green Bay does authorize a conditional-use permit for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Highway Commercial (C2) District located on the following described property at 2300 Auto Plaza Way:

PCL 3 OF 4 CSM 523 BCR BEING PRT OF PC 3-7 ESFR (Tax  
Parcel Number 21-458-4)

Said conditional-use permit shall be granted subject to standard site plan review and approval.

Adopted October 20, 2015

Approved October 21, 2015

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**ORDINANCES - FIRST READING**

**GENERAL ORDINANCE NO. 21-15**

**AN ORDINANCE  
AMENDING SECTION 29.208,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zone:

WEISE STREET, south side, from a point 125 feet west of Van Buren Street to a point 85 feet east of Van Buren Street

**SECTION 2.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zone:

WEISE STREET, both sides, from Leo Frigo Way to Van Buren Street

**SECTION 3.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.  
Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to advance the ordinance to the third reading. Motion carried.

## **GENERAL ORDINANCE NO. 21-15**

### **AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS**

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Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

## GENERAL ORDINANCE NO. 22-15

### AN ORDINANCE AMENDING SECTION 27.501, GREEN BAY MUNICIPAL CODE, RELATING TO THE APPLICATION AND PROCEDURE FOR ALARM USER PERMITS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Section 27.501(2) Green Bay Municipal Code, is hereby amended by adding sub. (g):

(2) DEFINITIONS.

**(g) Residential means an individual who resides at a one or two family dwelling.**

**SECTION 2:** Section 27.501(4), Green Bay Municipal Code, is hereby amended as follows:

(4) ALARM USER PERMIT.

**(a) Requirement. Alarm users shall obtain a permit for the alarm system on the user's premises. The fire alarm permit shall be displayed at the main fire alarm control panel. An alarm user who is residential is required to obtain a permit for any hold-up or burglar alarm systems installed, but is not required to obtain a fire alarm permit. An alarm user who is not residential is required to obtain a fire alarm permit. Apartment buildings that only contain battery operated smoke detectors that are not interconnected through wiring or wireless technology are not required to obtain a fire alarm permit. The fire alarm permit shall be displayed at the main fire alarm control panel. If an alarm user who is not residential installs a hold-up or burglar alarm system, a permit is required.**

**(b) Application. A person desiring to secure a permit for hold up and other burglar alarm systems shall make application to the Police Department and shall furnish all information deemed necessary. A person desiring to secure a permit for a fire alarm system shall make application to the Fire Department and shall furnish all information deemed necessary by the Fire Chief. A person desiring to secure an alarm system permit shall apply directly to the City Clerk.** In addition to the alarm user's information, each alarm user shall provide the name, address, and contact information

for at least one ~~two~~ additional persons who can be reached at any time and who are authorized by the alarm user to respond to an alarm signal and who can open the premises in which the system is installed and deactivate or reset the alarm system.

(c) Fee and Duration. An alarm user permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. ~~The fee shall be \$25 for the first year and \$15 per year thereafter.~~

**1. Alarm user permit fee. The fee for an alarm user permit is as follows:**

**a. \$15 for an alarm user who is residential obtaining a hold-up alarm or other burglar alarm system.**

**b. \$30 for an alarm user who is not residential obtaining a hold-up alarm system or burglar alarm system, a fire alarm system, or both.**

(d) Procedure for Granting. ~~The Police Department may grant the permit upon the filing of a completed application and payment of the appropriate fee.~~ **The Police Department or Fire Department may grant the alarm user permit upon the filing of a completed application and payment of the appropriate fee.**

**SECTION 3.** Section 27.501(7), Green Bay Municipal Code, is hereby created to read:

**(7) VIOLATIONS OF THIS SECTION.**

**(a) Any alarm user who alters, disables, or destroys its fire alarm system to render the fire alarm system inoperable shall be subject to forfeiture not to exceed \$1,000.**

**(b) Any alarm user who does not obtain a required permit shall be subject to forfeiture not to exceed \$60.**

**SECTION 4.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 5.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:



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Mayor

ATTEST:

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Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.  
Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to advance the ordinance to the third reading. Motion carried.

**ORDINANCE - THIRD READING**

**PLANNING ORDINANCE NO. 2-15**

**AN ORDINANCE  
AMENDING THE OFFICIAL MAP OF THE  
CITY OF GREEN BAY TO REVISE THE  
PROPOSED STREET PATTERN FOR AN AREA  
GENERALLY LOCATED NORTH OF FINGER ROAD,  
WEST OF NORTHVIEW ROAD, SOUTH OF CATALINA DRIVE,  
AND EAST OF ERIE ROAD  
(OMA 15-01)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS  
FOLLOWS:

**SECTION 1.** The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended by revising the proposed street pattern for an area generally located north of Finger Road, west of Northview Road, south of Catalina Drive, and east of Erie Road, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 20<sup>th</sup> day of October, 2015.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

**LEGAL DESCRIPTION  
PLANNING ORDINANCE NO. 2-15**

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 1, T23N-R21E;  
THENCE N00°26'02"E, 635.02 FEET ALONG THE WEST LINE OF THE SW1/4-  
NW1/4 OF SAID SECTION 1, THENCE S89°32'54"E, 983.85 FEET; THENCE  
N00°26'04"E, 690.00 FEET; THENCE S89°32'54"E, 1,664.20 FEET; THENCE  
S00°07'58"W, 1,079.77 FEET; THENCE S89°46'12"E, 400.00 FEET; THENCE  
N00°08'01"E, 180.00 FEET; THENCE N89°46'07"W, 100.00 FEET; THENCE  
N00°09'51"W, 239.43 FEET; THENCE N81°16'35"E, 552.07 FEET; THENCE  
N08°43'25"W, 253.00 FEET; THENCE N89°45'35"E, 524.42 FEET; THENCE  
S00°00'09"W, 994.57 FEET; THENCE S00°04'03"E, 1,770.48 FEET; THENCE  
S89°55'51"W, 1,004.06 FEET; THENCE N00°07'58"E, 434.18 FEET; THENCE  
S89°55'51"W, 334.10 FEET; THENCE S00°07'58"W, 916.33 FEET; THENCE  
N89°32'54"W, 604.18 FEET; THENCE S00°05'12"W, 371.43 FEET; THENCE  
N87°22'26"W, 303.29 FEET; THENCE N00°07'04"E, 329.98 FEET; THENCE  
N89°05'24"W, 169.93 FEET; THENCE S00°07'04"W, 329.98 FEET; THENCE  
N87°23'43"W, 251.57 FEET; THENCE N00°28'38"E, 305.90 FEET; THENCE  
N88°04'59"W, 287.60 FEET; THENCE N08°57'38"W, 465.99 FEET; THENCE  
N77°25'18"W, 248.99 FEET; THENCE S29°15'01"E, 163.87 FEET; THENCE  
65.32 FEET ALONG THE ARC OF A 55 FOOT RADIUS CURVE TO THE LEFT  
WHOSE LONG CHORD BEARS S26°43'13"W, 61.53 FEET; THENCE  
N78°53'21"W, 382.13 FEET; THENCE 129.88 FEET ALONG THE ARC OF A 55

FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS  
N52°44'23"W, 101.74 FEET; THENCE N30°23'35"W, 180.30 FEET; THENCE  
N15°59'51"W, 397.37 FEET; THENCE N88°55'28"W, 119.75 FEET TO THE  
WEST LINE OF THE NW1/4–SW1/4 OF SECTION 1, T23N- R21E; THENCE  
N00°06'09"E, 1,304.09 FEET ALONG SAID LINE TO THE POINT OF  
BEGINNING.

Tax Parcel Numbers: 21-10, 21-11, 21-11-1, 21-12, 21-12-1, 21-13-1, 21-  
16-1-5, 21-17, 21-20, 21-21-A, 21-4

Moved by Ald. Wiezbiskie, seconded by Ald. Nennig to adopt the ordinance.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore,  
Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

### **RESCISSION**

Request by Ald. Thomas DeWane to rescind the Code of Conduct and keep the State  
Rulings and Robert's Rules of Order which already serve the same purpose and which  
he believes are stronger. (Approved by the Common Council on September 15, 2015.)

Moved by Ald. Thomas DeWane, seconded by Ald. Zima to rescind the Code of  
Conduct approved on September 15, 2015.

*Roll call:* Ayes: Thomas DeWane, Nicholson, Wery, Zima. Noes: Wiezbiskie, Tim  
DeWane, Nennig, Moore, Scannell, Steuer, Danzinger, Sladek. Noes: None. Motion  
failed.

### **COMMITTEE OF THE WHOLE**

**To review and discuss, with possible action, the negotiations regarding the  
Oneida Tribe service agreement.**

Ald. Scannell read the following:

The Council may convene in closed session pursuant to Section 19.85(1)(e), Wis.  
Stats., for purposes of deliberating or negotiating the sale of public properties, investing  
of public funds or conducting other specified public business as necessary for  
competitive or bargaining reasons. The Council may thereafter reconvene in open  
session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed  
session and consider the balance of the agenda.

Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to convene in closed  
session.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Zima to reconvene in open session. Motion carried.

Moved by Ald. Zima, seconded by Ald. Steuer to hold until December 1 and to instruct staff to reach out to Hobart and Oneida and have them come in and brief on the issue.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Wery, Zima, Steuer, Danzinger, Sladek. Noes: Nennig, Moore, Scannell. Motion carried.

Moved by Ald. Moore, seconded by Ald. Thomas DeWane to adjourn at 9:51 P.M.

Motion carried.

Kris A. Teske  
Green Bay City Clerk